

**Criteria for Non-Transplant Centers to
Retrieve Organs from Brain dead Persons.**

**GOVERNMENT OF MAHARASHTRA
PUBLIC HEALTH DEPARTMENT
GOVERNMENT RESOLUTION NO-MAP2012/C.R.289/AROGYA-6
MANTRALAYA MUMBAI 400 032
DATE-15th SEPTEMBER 2012**

**Read :- The Transplantation of Human Organs Act, 1994 and The
Transplantation of Human Organs Rules 1995**

GOVERNMENT RESOLUTION:- The Successes of organ transplantation and it being the only treatment for end stage organ disease has led to its widespread application. Considering the life saving potential of organ transplantation, the Government is committed to streamlining the procedures for co-ordinating organ transplantation in Maharashtra particularly in the light of the current situation of availability of organs for Transplantation falling woefully short of the demand. Indeed efficacious donor management and meticulous co-ordination is crucial in maintaining excellent outcomes in organ transplantation.

There is, at present, no established procedure or guideline to deal with situations that arise when brain deaths occur in hospitals in the state that are not registered under the Transplantation of Human Organs Act, 1994 (THO Act) even when the families of the brain dead persons wish or consent to donate the organs of their deceased family member. It is therefore imperative to permit organs to be retrieved when there is a willingness to donate organs at those centers which have the facilities to maintain brain dead deceased donors, so that more lives of organ failure patients can be saved. Considering the fact that a large number of brain deaths occur in non-transplant hospitals the Appropriate Authority shall take the initiative to register those hospitals that fulfill the following conditions as Non-Transplant Organ retrieval centers. The following orders are issued in the Matter.

2. The Appropriate Authority shall register all hospitals in the State that have an Operation Theatre and Intensive Care Unit (ICU) as Non Transplant Organ Retrieval Centers (NTORCs). These hospitals are permitted to certify brain death as per the procedures stipulated in the guidelines issued by the Appropriate Authority or Government of Maharashtra and thereafter conduct

organ retrieval for therapeutic purposes, but are not permitted to perform actual transplantation of human organs.

3. The procedures stipulated in the guidelines issued by the Appropriate Authority or Government of Maharashtra to be followed by the hospitals registered under Human Organ Transplant Act with the Appropriate Authority, for certifying brain death as per the Transplantation of Human Organ Act, in those hospitals, will apply for brain death certification in NTORCs as well, in the event of a family of brain dead person consenting to organ donation. If Neuro surgeon/Neuro Physician is not available in the NTORCs then they can utilize the services of Neuro Surgeon/Neuro Physician from the Brain Stem death Committee of the Hospital registered under Human Organ Transplant Act by the Appropriate Authority.

4. Any NTORCs can take assistance and support from any hospital registered with the Appropriate Authority as a Transplant Center for maintaining the brain dead person in stable condition until organ retrieval is carried out.

5. Whenever a brain death occurs in an NTORC and the deceased person's family consents to organ donation, the NTORC shall contact the Zonal Transplant Co-ordination Committee for Organ allocation as per norms.

6. The organs shall be allocated following the prioritization norms as established by Appropriate Authority for Zonal Transplant Co-ordination committee in the State.

7. All other procedures for procedures for cadaveric organ donation and organ retrieval as specified in the Transplantation of Human Organs Act and Rules and other relevant Government Orders would apply to NTORCs as well.

By Order and in the name of the Governor.


(T.C. Benjamin) 12.9.2012

Additional Chief Secretary

To,
Secretary Medical Education and Drugs Department Mantralaya Mumbai
The Director of Health Services, Mumbai
The Director of Medical Education and Research Mumbai
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